



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**

REGION 2  
290 BROADWAY  
NEW YORK, NY 10007-1866

**MAR 6 2014**

Ms. Pilar Patterson, Chief  
Mail Code 401-02B  
Division of Water Quality  
Bureau of Surface Water Permitting  
P.O. Box 420  
Trenton, NJ 08625-0420

**Re: EPA's comments on the draft NJPDES permits for:**

**Fort Lee Borough (NJ0034517)**  
**Town of Guttenberg (NJ0108715)**  
**Hackensack City (NJ0108766)**  
**Ridgefield Park Village (NJ0109118)**  
**North Bergen Township MUA – Woodcliff STP (NJ0029084)**  
**Bergen County Utilities Authority – Little Ferry STP (NJ0020028)**  
**North Hudson Sewerage Authority – River Road WTP (NJ0025321)**  
**North Hudson Sewerage Authority – Adams Street WTP (NJ0026085)**

Dear Ms. Patterson:

The Environmental Protection Agency (EPA) recognizes the New Jersey Department of Environmental Protection's (NJDEP) significant work in developing and issuing draft Combined Sewer Overflow (CSO) permits. Issuing these permits is an important step forward in implementing the CSO control program in New Jersey. We are particularly pleased to see specific requirements in these permits to evaluate green infrastructure as CSO control alternatives. As you know, Section 402(q) of the Clean Water Act requires each permit to conform to the *CSO Control Policy* (Federal Register /Vol. 59, No. 75/Tuesday, April 19, 1994). The EPA has reviewed the draft permits in accordance with 40 C.F.R. § 123.44, and provides the attached comments for your consideration as you develop the final permits.

On December 20, 2013, NJDEP provided notice of the draft New Jersey Pollutant Discharge Elimination System (NJPDES) permits for Fort Lee Borough (NJ0034517), Town of Guttenberg (NJ0108715), Hackensack City (NJ0108766), Ridgefield Park Village (NJ0109118), North Bergen Township MUA – Woodcliff STP (NJ0029084), Bergen County Utilities Authority – Little Ferry STP (NJ0020028), North Hudson Sewerage Authority – River Road WTP (NJ0025321), and North Hudson Sewerage Authority – Adams Street WTP (NJ0026085).

As stated in the public notice, the existing authorizations under the CSO Master General Permit (NJ0105023) for Hackensack, Ridgefield Park Village, and the Town of Guttenberg are proposed to be terminated, and existing and updated CSO requirements will be consolidated in the proposed new individual permits. The NJDEP proposes to incorporate updated CSO requirements into renewed individual permits for the Bergen County Utilities Authority's Little Ferry STP and for Fort Lee Borough. The NJDEP also proposes to revoke and reissue with updated CSO requirements the individual permits for the North Bergen Township MUA – Woodcliff STP and the North Hudson

Sewerage Authority – Adams Street Wastewater Treatment Plant, and to redraft the renewal permit for North Hudson Sewerage Authority – River Road Wastewater Treatment Plant.

The EPA looks forward to continuing to work with the NJDEP to ensure the final permits meet all of the requirements of the Clean Water Act and the *CSO Control Policy*. If you require any additional information or assistance regarding this matter, please contact Mr. Stan Stephansen of my staff at (212) 637-3716.

Sincerely yours,

A handwritten signature in cursive script, appearing to read "Kate Anderson", written in black ink.

Kate Anderson, Chief  
Clean Water Regulatory Branch

Attachment

**EPA Comments on Fort Lee Borough, Town of Guttenberg, Hackensack City, Ridgefield Park Village, North Bergen Township MUA – Woodcliff STP, Bergen County Utilities Authority – Little Ferry STP, North Hudson Sewerage Authority – River Road WTP, North Hudson Sewerage Authority – Adams Street WTP Draft NJPDES Permits**

**1. Applicable to all draft permits and fact sheets:**

- Evaluation of Alternatives

The EPA acknowledges that permittees have already analyzed and evaluated a number of CSO alternatives during earlier permit terms. We would like to reiterate the importance of ensuring that the long term control plan (LTCP) includes a synthesis of existing information supplemented by new analysis, such that a thorough evaluation of a sufficient range of control alternatives is conducted in accordance with EPA's *CSO Control Policy*. We note that the *CSO Control Policy* contains specific language for evaluating a reasonable range of CSO control alternatives and states the following: "EPA expects the long-term CSO control plan to consider a reasonable range of alternatives. The plan should, for example, evaluate controls that would be necessary to achieve zero overflow events per year, an average of one to three, four to seven, and eight to twelve overflow events per year. Alternatively, the long-term plan could evaluate controls that achieve 100% capture, 90% capture, 85% capture, 80% capture, and 75% capture for treatment. The LTCP should also consider expansion of POTW secondary and primary capacity in the CSO abatement alternative analysis. The analysis of alternatives should be sufficient to make a reasonable assessment of cost and performance." (59 FR 18692)

- Review of rules, ordinances and sewer use agreements

Section "F. Nine Minimum Control Requirements" 1.g requires the permittee to review its rules, ordinances, and sewer use agreements with customer municipalities, and revise them if necessary. In addition to the review and possible revision to existing sewer use agreements or ordinances, it is recommended that the permittee be required to perform flow monitoring in each section of the entire hydraulically connected sewer system. The permittee should be required to implement corrective measures to reduce I/I and peak flows using economic incentives, or other innovative means, in addition to the possible revision of sewer use agreements, in order to significantly reduce I/I and peak flows which may be contributing to combined sewer overflows.

Alternatively, to ensure satellite sewer collection systems are appropriately maintained, each satellite system that is hydraulically connected to the POTW / collection system could be listed as a co-permittee.

**2. Applicable to draft permits and fact sheets for Fort Lee, Hackensack, Ridgefield Park, Bergen County Utilities Authority - Little Ferry STP, Guttenberg and the North Bergen Township MUA – Woodcliff STP:**

- Development of a single integrated CSO Long Term Control Plan

EPA supports and encourages the NJDEP to continue working with the permittees to develop a single integrated LTCP for each hydraulically connected sewer system (i.e. a single integrated LTCP for Fort Lee, Hackensack, Ridgefield Park and the Bergen County Utilities Authority Little Ferry STP, and another single integrated LTCP for Guttenberg and the North Bergen Township MUA – Woodcliff

STP). EPA believes this is the most effective and cost-efficient way to execute CSO control plan development. The *CSO Control Policy* requires that when different parts of a single combined sewer system are operated by more than one authority, permits issued to each authority should generally require joint preparation and implementation of the Policy. Permittees should be required to coordinate system-wide implementation of the nine minimum controls and the development and implementation of the long-term CSO control plan. Paragraph c. of Section “D. Submittals 1. CSO Submittal Requirements” should be updated to include these requirements and Section “D Submittals 4. CSO Progress Report Submittal Requirements” should include requirements to report on the permittee’s joint and separate responsibilities and progress in implementing the NMCs and in developing and implementing the LTCP. In addition, all permits in the combined sewer system should be cross-referenced for informational purposes. Alternatively, rather than issuing separate, cross-referenced individual permits, the NJDEP should consider issuance of a single permit for the entire hydraulically connected system / POTW with each municipality that contributes flows to the hydraulically connected system (including both separate and combined systems) listed as a co-permittee.

### **3. Applicable to draft permit and fact sheet for the Bergen County Utilities Authority – Little Ferry STP**

#### **Section “F. Nine Minimum Control Requirements.”**

- 5. Prohibition of CSOs during Dry Weather

Replace “Since the permittee does not own / operate any CSO outfalls, there are no monitoring requirements at this time” with: “The permittee shall operate the system in such a way that it does not cause any dry weather overflow from the collection system owned/operated by other permittees in the hydraulically connected system.”

- 8. Public Notification to Ensure that the Public Receives Adequate Notification of CSO Occurrences and CSO Impacts

Replace “Since the permittee does not own and/or operate any CSO outfalls, this proposed permit action does not include the requirement to ensure that the public receives notification of CSO occurrences and impacts at this time.” with “The permittee shall coordinate with other permittees within the hydraulically connected system for the public notification process to ensure that the public receives adequate notification of CSO occurrences and CSO impacts.”

- 9. Monitoring to Effectively Characterize CSO Impacts and the Efficacy of CSO Controls

Replace “Since the permittee does not own / operate any CSO outfalls, there is no monitoring to characterize CSO impacts and controls at this time.” with “The permittee shall coordinate with other permittees within the hydraulically connected system for monitoring to effectively characterize CSO impacts and the efficacy of CSO control.”

### **4. Applicable to draft permit and fact sheet for the North Bergen Township MUA – Woodcliff STP**

#### **Section “F. Nine Minimum Control Requirements.”**

- 5. Prohibition of CSOs during Dry Weather

Add "The permittee shall operate the system in such a way that it does not cause any dry weather overflow from the collection system owned/operated by other permittees in the hydraulically connected system."

